Remarks

In the Office Communication dated February 24, 2006, the Examiner has set forth a requirement for restriction under 35 U.S.C. § 121. The Examiner contends that the claimed invention represents six separate and distinct groups.

Applicants respectfully traverse the present restriction requirement between Group I, drawn to methods of identifying therapeutic compounds comprising providing a reporter gene, and Group II, drawn to the methods of identifying therapeutic compounds comprising providing at least one mammalian cell expressing a Src protein. Applicants request reconsideration in accordance with the following comments. Applicants do not traverse the restriction requirement in regard to other Groups, III, IV, V and VI.

The Examiner asserts that Group I and II are directed to related method, but the related inventions do not overlap in scope, i.e. mutually exclusive. According to the Examiner, the methods of Group I require nucleic acids and measurement of the degree of reporter gene activation, whereas the methods of Group II require mammalian cells and measurement of Src protein activity, either of which is required for Group I. Furthermore, the Examiner asserts that the methods of Group I would identify agents which regulate Src expression levels, but would not identify agents which modulate Src Kinase activity. The method of Group II would identify the later, but not former. The Examiner concludes that the two methods require different searches which are not coextensive with one another, and examination of both inventions together would be burdensome.

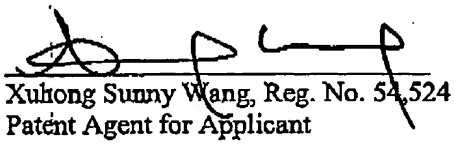
As the Examiner stated, Group I and II are directed to related methods. Claim 1 is part in Group I, and in Group II also. The related methods do overlap in scope, i. e. in Group I, Claim 3, wherein said reporter is Src and in Group II, Claim 8, the protein measured is Src. Therefore, the two groups require searches of the same subject matter, and can not be said seriously burden to the Examiner. Furthermore, regarding the methods of measuring gene activation and protein activity, measuring protein activity (Group II, Claim 8) is one way to measure gene activation (Group I, Claim 2). It further demonstrates Group I and II are related and not distinct. Restriction requirement is appropriate only in cases presenting inventions which are independent **and** distinct. Therefore, the restriction requirement between Group I and II should be withdrawn.

Conclusion

In order to be fully responsive to the Examiner's requirement for restriction, Applicants elect to prosecute Group II, Claim 1 and 6-9.. In view of the forgoing comments, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement as pertaining to Group I and Group II set forth in February 24, 2006 Office Communication.

The Commissioner is authorized to charge any fee necessitated by this response to Deposit Account No. 18-1982.

Respectfully submitted,



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